

UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

John James McConnell, Jr.

2. **Position:** State the position for which you have been nominated.

United States District Judge for the District of Rhode Island

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

321 South Main Street
Providence, RI 02903

4. **Birthplace:** State date and place of birth.

1958; Providence, Rhode Island

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1980 – 1983, Case Western Reserve University School of Law; J.D., 1983

1976 – 1980, Brown University; A.B., 1980

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2003 - Present
Motley Rice LLC
321 South Main Street
Providence, RI 02903
Member

1986 – 2003
Motley Rice Inc. (and predecessor firms)
321 South Main Street
Providence, RI 02903
Partner/Member (1991 – 2003)
Associate Attorney (1986 – 1991)

2000
University of Rhode Island
Department of Political Science
Kingstown, RI 02881
Adjunct Professor (part-time)

1984 - 1986
Mandell, Goodman, Famiglietti & Schwartz
One Park Row
Providence, RI 02903
Attorney

1985
American Institute of Paralegal Studies
600 Mount Pleasant Avenue
Providence, RI
Instructor (part-time)

1983 – 1984
Supreme Court of Rhode Island
Associate Justice Donald F. Shea
250 Benefit Street
Providence, RI 02903
Law Clerk

1983
Jordan Marsh Department Store
Warwick Mall
Warwick, RI 02886
Holiday Sales Person

1982 – 1983
Case Western Reserve University School of Law Library
11075 East Blvd.
Cleveland, OH 44106-7148
Law Library Clerk (part-time)

1981 – 1983
Law Offices of Roger D. Heller
820 West Superior Ave., Suite 510
Cleveland, Ohio 44113
Legal Assistant (part-time)

1981 – 1983
Vernon's Restaurant
Shaker Square
Cleveland, OH
Waiter (part-time)

1980
W.A.G.E. (Workers' Association to Guarantee Employment)
Charles Street
Providence, RI
Summer Community Organizer

Other Affiliations

2009 – Present
Martha's Vineyard Colonial Inn, LLC
c/o Colonial Inn
PO Box 68
Edgartown, MA 02539
Limited Partner

2008 – Present
Roger Williams University
One Old Ferry Road
Bristol, RI 02809
Trustee (uncompensated)

2007 - Present
York Resources, Inc.
48 Lloyd Ave.
Providence, RI 02906
Director

2007 – Present
Catalist L.L.C.
1101 Vermont Avenue, NW
Suite 900
Washington, DC 20005
Limited Partner

2006 – Present
Children's Environmental Health Center
Department of Community and Preventive Medicine
Mount Sinai Medical Center
One Gustave L. Levy Place
New York, New York 10029-6574
Director (uncompensated)

2006 - Present
DSF Capital Partners III L.P.
c/o The DSF Group
24 Federal Street
Boston, MA 02110
Limited Partner

2006 – Present
Crossroads RI
160 Broad Street
Providence, RI 02903
Vice-Chair of the Board of Directors (2007 – Present) (uncompensated)
Director (2006 – Present) (uncompensated)

2004 – Present
Rhode Island Association for Justice
400 Reservoir Avenue, Suite 3G
Providence, RI 02907
Director (uncompensated)

2003 – Present
Providence Tourism Council
P.O. Box 6565
Providence, RI 02940-6565
Chair (uncompensated)

2000 – Present
Trinity Repertory Company
201 Washington Street
Providence, RI 02903
Chair, Board of Directors (2006 – Present) (uncompensated)
Director (2000 – Present) (uncompensated)

2003 – 2006
Genesis Center
620 Potters Avenue
Providence, RI 02907
Director (uncompensated)

2002 – 2009
ULF-Edgartown LLC
c/o Colonial Inn
PO Box 68
Edgartown MA 02539
Limited Partner

2002 – 2008
Knowtribe Films, LLC
40 Forest Street
Providence, RI 02903
Limited Partner

1997 – 2009
NEMLORP LLC
28 Bridgeside Blvd.
PO Box 1792
Mt. Pleasant, SC 29465
Limited Partner

1997 – 2001
Planned Parenthood of Rhode Island
111 Point Street
Providence, RI 02940
Director (uncompensated)

1985 – 1988
George Wiley Center
32 East Avenue
Pawtucket, RI 02860
Director (uncompensated)

1985 – 1986
Greater Providence YMCA, Providence Division
160 Broad Street
Providence, RI 02903
Member, Board of Management (uncompensated)

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military and I was not required to register for the Selective Service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Mayor's Special Recognition Award, "A Celebration of Housing – Together We Achieve our Goals" (2007)

Rhode Island Department of Health, Childhood Lead Poisoning Prevention Program Award for Public Health Partnership (2006)

Childhood Lead Action Project "Above and Beyond the Call of Duty" Award (1998; 2006)

Rhode Island Public Health Association, Bertram Yaffe Award (2006)

Rhode Island Bar Association's Dorothy Lohmann Public Service Award (1998)

Best Lawyer – Mass Tort Litigation, U.S. News/Best Lawyers (2007 – 2010)

Trial Lawyer of the Year finalist, Trial Lawyers for Public Justice (2006)

Rhode Island Trial Lawyers Association, "Case of the Year Award" (2006)

Member, The Academy of Trial Advocacy (2007 – Present)

Advocate, National College of Advocacy (2001)

Hope Award, Rhode Island Democratic State Committee (2006)

Trial Lawyer of the Year, Lawyers USA (2006)

Top Attorneys in Rhode Island, Rhode Island Monthly (2007)

Rhode Island Super Lawyer (2008 – 2009)

New England Super Lawyer (2008 – 2010)

Outstanding Partner in Philanthropy (2004)

National Association of Attorneys General "President's Award" (1998)

Rhode Island Arc "Silver Bullet Award" (1998)

Martin Luther King Award, Case Western Reserve University School of Law (1983)

Cambridge Who's Who Registry Among Executives and Professionals (2008 – 2009)

Martindale-Hubbell Law Directory rating of "av"

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

Ohio Association for Justice

National College of Advocacy

Rhode Island Bar Association

Rhode Association for Justice

Director, 2004 - Present

South Carolina Bar Association

South Carolina Association for Justice

The Academy of Trial Advocacy

10. **Bar and Court Admission:**

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Rhode Island, 1983
Massachusetts, 1984
South Carolina, 1987
District of Columbia, 1999
Ohio, 2004

There has been no lapse in any membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United States Court of Appeals for the First Circuit, 1986
United States Court of Appeals for the Third Circuit, 1991
United States District Court for the District of Massachusetts, 1984
United States District Court for the District of Rhode Island, 1984
United States District Court for the District of Columbia, 2000
Supreme Court of Rhode Island, 1983
Massachusetts Supreme Judicial Court, 1984
Supreme Court of South Carolina, 1987
District of Columbia Court of Appeals, 1999
Supreme Court of Ohio, 2004

There has been no lapse in any membership.

11. **Memberships:**

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

George Wiley Center, 1985 – 1988
Director, 1985 – 1988
Southern Poverty Law Center, 1989 – Present
Amnesty International USA, 1989 – Present
Save the Bay, early 1990s – Present

Rhode Island School of Design Museum, 2000 – Present
 Providence Mediation Center Advisory Board, 2000 – 2002
 Trinity Repertory Company, 2000 – Present
 Chair, Board of Directors, 2006 – Present
 Director, 2000 - Present
 Rhode Island Association for Justice , 2001 – Present
 Director, 2001 – Present
 Rhode Island Historical Society, 2001 – 2004
 Providence Tourism Council, 2003 – Present
 Chair, 2003 – Present
 National Association for the Advancement of Colored People, 2004 – Present
 The Smithsonian Institute, 2005
 National Association of Railroad Passengers, 2005 – Present
 WRNI Advisory Board, 2006 – 2007
 Crossroads Rhode Island, 2006 – Present
 Vice-Chair of the Board of Directors, 2007 – Present
 Director, 2006 – Present
 Weekapaug Foundation for Conservation, 2008 – Present
 American Constitution Society, 2008 - Present
 American Association of Retired People, 2008 – Present
 Brandeis University Arts Council, 2008 – Present
 Public Justice Foundation, 2008 – 2009

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

None of the organizations identified in my response to this question currently discriminates on the basis of race, sex, religion or national origin. To the best of my knowledge, if any of these organizations in the past did so, it was well before the time I became a member.

12. **Published Writings and Public Statements:**

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

“Genetic Disorders and Medical Malpractice,” *Dermatological Clinics*, January
 1987 (co-authored with Mark S. Mandell)

"The Insurance Industry's Crisis in Profitability," *Rhode Island Bar Journal*, June/July 1987

"Paint Makers Acted Sluggishly on Lead," *The Providence Journal*, July 26, 1999

"The Right Principles for Democrats," *The Providence Journal*, January 7, 2003

"Letter from the Chairman of the Board," *The Trinity Square Magazine*, Fall 2006 – Spring 2010

"The RI Supreme Court Got it Terribly Wrong," *The Providence Journal*, August 19, 2008 (co-authored by Fidelma Fitzpatrick and Robert McConnell)

"Corporations should remember their responsibilities to public," *Providence Business News*, September 2008

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

None.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

None.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

"Lessons Learned: How to Litigate A Case Against 121 Industry Lawyers,"

American Association for Justice, Justice Counts Seminar: 21st Annual

"Weekend with the Stars," New York City, New York, December 2008

Lead Paint," The Gordon School, East Providence, Rhode Island, April 2008 and April 2007

"Lead Paint Litigation: Shared Responsibility Corporate Accountability," Roger Williams University School of Law, Bristol, Rhode Island, February 2007

Chair and Speaker; Mealey's "Lead Litigation Conference," Boston, Massachusetts, June 2006
 Speaker, National Crime Victims Bar Association, George Washington University Law School, Washington, DC, May 12, 2006
 Chair, Mealey's "Lead 101 Conference," St. Louis, Missouri, October 2000. No notes or transcript is available of my introductory remarks.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

In the course of my law practice, and my involvement in politics and public service, I periodically commented to the media. I have done my best to identify all items called for in this question, including a thorough review of my personal files and searches of publicly available electronic databases. I have located the following:

1. *Witness in Ng death to be released, Ng transfer video sought*, The Providence Journal, Apr. 8, 2009.
2. *Lawyer seeks video in Wyatt lawsuit*, The Providence Journal, Mar. 31, 2009.
3. *U.S. probes death at Wyatt*, The Providence Journal, Mar. 13, 2009.
4. *Ng case witness to remain in U.S.*, The Providence Journal, Feb. 27, 2009.
5. *Family sues over death of inmate of Wyatt, Other investigations into Ng's death at Wyatt facility*, The Providence Journal, Feb. 10, 2009.
6. *D.C.-bound to cheer a new era*, The Providence Journal, Jan. 18, 2009.
7. *R.I.'s Electoral College makes presidential vote official*, The Providence Journal, Dec. 16, 2008.
8. *Group home wins reprieve*, The Providence Journal, Aug. 30, 2007.
9. *An outpouring of generosity - Readers respond to family devastated by vultures*, The Providence Journal, Feb. 18, 2007.
10. *Politicians fined over insurance for workers*, The Providence Journal, Jan. 9, 2004.
11. *Laurie J. Loveland, 43, a lead lawyer in tobacco deal*, The Providence Journal, Apr. 19, 2002.
12. *R.I. redistricting: Crossing the party line*, The Providence Journal, Oct. 6, 2001.
13. *Political Scene: Pisaturo to run for secretary of state on issue of cronyism in Rhode Island*, The Providence Journal, Aug. 20, 2001.
14. *Political Scene: Waiver lets Reed stay as member of other major Senate committees*, The Providence Journal, Aug. 6, 2001.
15. *At the Statehouse - Kennedy's security-guard case might be settled out of court*, The Providence Journal, Jun. 25, 2001.

16. *Bill to ease primary voting draws some opposition*, The Providence Journal, Apr. 18, 2001.
17. *Clintons to attend R.I. fundraiser - \$1,000-per-person reception for the former first couple to be held Friday in East Greenwich*, The Providence Journal, Apr. 18, 2001.
18. *Campaign 2000 - Supporters happy to have taken high ground*, The Providence Journal, Mar. 10, 2000.
19. *Weygand: Use tobacco settlement for health initiatives*, The Providence Journal, Feb. 27, 1999.
20. *Political Scene: Double duty for candidate James*, The Providence Journal, Aug. 18, 1997.
21. *Political Scene: R.I. Democrats may always be indebted to Mancini*, The Providence Journal, Feb. 3, 1997.
22. *Judge: Reopen home for retarded*, The Providence Journal – Bulletin, Sep. 28, 1995.
23. *Lawyer rests case in hearing on group home for retarded*, The Providence Journal, Sep. 1, 1995.
24. *City & Town report*, The Providence Journal – Bulletin, Aug. 11, 1995.
25. *The Call takes ex-carriers to court*, The Providence Journal – Bulletin, Aug. 11, 1995.
26. *Journal to stop selling papers to carriers who don't sign pact*, The Providence Journal, Dec. 23, 1992.
27. *Activists, parents ask for enforcement of lead-abatement rules*, The Providence Journal, Dec. 17, 1992.
28. *28 Landlords Named in Suits over Lead Damage*, The Providence Journal, Nov. 25, 1992.
29. *Carriers File Suit Against Journal Co.*, The Providence Journal, Nov. 17, 1992.
30. *A Look at the Staples Store in Providence*, The Providence Journal, Jun. 26, 1988.
31. *Quahogger sues city for alleged police brutality*, The Providence Journal, Sep. 16, 1985.
32. *Wife of laborer killed in cave-in sues state, firm for \$20 million*, The Providence Journal, Aug. 1, 1985.
33. *R.I. judge, lawyer selected for federal judgeships*, The Providence Journal, Apr. 14, 2009.
34. *Pawtucket first with arts slogan*, The Providence Journal, Mar. 31, 2009.
35. *R.I.'s Electoral College makes presidential vote official*, The Providence Journal, Dec. 16, 2008.
36. *ACLU pushes to obtain records on dead inmate*, The Providence Journal, Dec. 9, 2008.
37. *John Edwards: Mr. Smooth is a phony*, The Providence Journal, Aug. 14, 2008.
38. *High court OKs Webcast of paint case*, The Providence Journal, Apr. 21, 2008.
39. *Lead-paint companies appeal verdict*, The Providence Journal, Feb. 2, 2008.

40. *Smiley joins Cicilline camp*, The Providence Journal, Aug. 19, 2007.
41. *At 40, still climbing the Hill*, The Providence Journal, Jul. 15, 2007.
42. *A good year at Trinity*, The Providence Journal, Jun. 17, 2007.
43. *Lead paint battle spreads*, The Providence Journal, Apr. 8, 2007.
44. *DuPont's cleanup costs have doubled*, The Providence Journal, Mar. 27, 2007.
45. *Judge refuses to overthrow lead-paint convictions*, The Providence Journal, Feb. 27, 2007.
46. *Obama in the land of Lincoln*, The Providence Journal, Jan. 28, 2007.
47. *Paint lawsuits filed in Ohio*, The Providence Journal, Oct. 7, 2006.
48. *Questions persist over Lynch's deal with DuPont*, The Providence Journal, Aug. 9, 2006.
49. *Lynch fined \$5,000 for contempt of court*, The Providence Journal, May 6, 2006.
50. *Right move for Kennedy and constituents*, The Providence Journal, May 6, 2006.
51. *Jurors in lead-paint trial say they're proud of verdict*, The Providence Journal, Mar. 12, 2006.
52. *Insurer tries to cut coverage of paint firms*, The Providence Journal, Mar. 9, 2006.
53. *Jack McConnell: Taking on the bad guys*, The Providence Journal, Mar. 7, 2006.
54. *No punitive damages for lead-paint companies*, The Providence Journal, Mar. 1, 2006.
55. *People: Jack McConnell to head Trinity's board of trustees*, The Providence Journal, Feb. 2, 2006.
56. *Columbus: He's a theatrical rarity*, The Providence Journal, Nov. 6, 2005.
57. *New Trinity director picked from Chicago's Steppenwolf Theatre*, The Providence Journal, Nov. 1, 2005.
58. *Theater in Providence: Trinity Rep narrows search for director*, The Providence Journal, Oct. 21, 2005.
59. *Political Scene: Murphy wants Palumbo to apologize for unauthorized voting*, The Providence Journal, Oct. 10, 2005.
60. *Marquee names: Pell, Chafee*, The Providence Journal, Oct. 2, 2005.
61. *Trinity Rep expects new director by November*, The Providence Journal, Aug. 12, 2005.
62. *Pyrotechnics return Sunday night*, The Providence Journal, Jul. 1, 2005.
63. *R.I., DuPont reach deal on lead paint*, The Providence Journal, Jul. 1, 2005.
64. *Mayor fires back on campaign donations*, The Providence Journal, May 16, 2005.
65. *Biz Bits & Quips*, The Providence Journal, Feb. 20, 2005.
66. *Could 2006 be the year a woman wins?*, The Providence Journal, Feb. 15, 2005.
67. *Trinity forms committee to conduct director search*, The Providence Journal, Feb. 4, 2005.

68. *2004 Democratic Convention – Boston: Edwards keeps hopes very alive*, The Providence Journal, Jul. 30, 2004.
69. *Sen. Clinton adds \$100,000 to war chest*, The Providence Journal, May 25, 2004.
70. *Campaign 2004: In primary campaigning, leading Democrats skip R.I.*, The Providence Journal, Feb. 29, 2004.
71. *Culture capital - Providence's newest department to support arts groups financially*, The Providence Journal, Nov. 26, 2003.
72. *Tourism agencies will work together*, The Providence Journal, Sep. 23, 2003.
73. *Carcieri's minimum wage turnabout*, The Providence Journal, Jul. 27, 2003.
74. *Campaigns didn't insure their workers*, The Providence Journal, May 24, 2003.
75. *Cicilline pulls the plug on Cianci's side-room wet bar*, The Providence Journal, Jan. 7, 2003.
76. *Gore Exits the Race - R.I. Democratic leaders back decision not to run*, The Providence Journal, Dec. 17, 2002.
77. *Al Gore again? In best state, mixed views*, The Providence Journal, Nov. 21, 2002.
78. *Election 2002: York disappointed but has no regrets*, The Providence Journal, Nov. 7, 2002.
79. *Election 2002: ANALYSIS - Suburban voters help catapult Carcieri to the State House*, The Providence Journal, Nov. 6, 2002.
80. *Election 2002: A voter's guide to the candidates and issues - At wire, Carcieri finishes strong*, The Providence Journal, Nov. 3, 2002.
81. *York-Carcieri governor race a close one?*, The Providence Journal, Oct. 17, 2002.
82. *Surveying York's inner circle*, The Providence Journal, Oct. 13, 2002.
83. *Primary 2002: Close contest decided by mail ballots*, The Providence Journal, Sep. 11, 2002.
84. *Cianci & Co.: In court and facing election*, The Providence Journal, May 12, 2002.
85. *Kennedy pays, ending suit over shove at airport*, The Providence Journal, Apr. 13, 2002.
86. *Political Scene: Whitehouse campaign finds fault with poll results that favor York*, The Providence Journal, Jan. 28, 2002.
87. *For York, auction outcome is half a loaf*, The Providence Journal, Dec. 7, 2001.
88. *Janikies buys Creamery for \$1.55 million*, The Providence Journal, Dec. 7, 2001.
89. *Political Scene: York moves closer to run*, The Providence Journal, Nov. 12, 2001.
90. *York associate sees her joining governor race*, The Providence Journal, Aug. 9, 2001.
91. *Kennedy staff shakeup has politicians abuzz*, The Providence Journal, Apr. 13, 2001.

92. *An opportunity to save lives if we care*, The Providence Journal, Apr. 12, 2001.
93. *Chafee is right on big tax cut and on Cianci*, The Providence Journal, Apr. 10, 2001.
94. *Who's out, who's in: Political junkies and presidential change*, The Providence Journal, Dec. 21, 2000.
95. *Law bans Internet tobacco sales to minors*, The Providence Journal, Oct. 26, 2000.
96. *Mrs. Clinton misses R.I. fundraiser*, The Providence Journal, Oct. 10, 2000.
97. *Campaign 2000: Hillary Clinton, Tipper Gore to visit R.I.*, The Providence Journal, Sep. 28, 2000.
98. *Jeffrey Wigand: Enemy of tobacco, friend of truth*, The Providence Journal, Apr. 2, 2000.
99. *Up close: NYC Mayor Rudy Giuliani, Senate candidate*, The Providence Journal, Mar. 26, 2000.
100. *Bradley pulls out: Terrific message, flawed candidate*, The Providence Journal, Mar. 10, 2000.
101. *Campaign 2000: Analysis - McCain owes his R.I. victory to independents*, The Providence Journal, Mar. 8, 2000.
102. *Gore focuses on Bush rivalry*, The Providence Journal, Mar. 6, 2000.
103. *Primary whirl: Meet the state's presidential chairmen*, The Providence Journal, Mar. 5, 2000.
104. *Final buzzer near, Bradley plays on without bitterness*, The Providence Journal, Mar. 4, 2000.
105. *Campaign 2000: Bradley to campaign in R.I. tomorrow*, The Providence Journal, Feb. 16, 2000.
106. *Campaign 2000: Independents hold key to R.I. primary*, The Providence Journal, Feb. 14, 2000.
107. *Focus shifts to N.H. for first primary*, The Providence Journal, Jan. 25, 2000.
108. *R.I.'s elected Democrats gather in show of force for Gore*, The Providence Journal, Jan. 15, 2000.
109. *Hillary Rodham Clinton in Rhode Island - A double-duty day*, The Providence Journal, Dec. 14, 1999.
110. *Raising the bucks: Hillary Clinton on the East Side*, The Providence Journal, Dec. 14, 1999.
111. *Jack McConnell: Host to first lady is lawyer, operative*, The Providence Journal, Dec. 2, 1999.
112. *First lady to raise money in R.I.*, The Providence Journal, Nov. 19, 1999.
113. *In Rhode Island and nationwide, Bradley presses Gore*, The Providence Journal, Oct. 3, 1999.
114. *Candidate Coyne-McCoy says Langevin doesn't scare her*, The Providence Journal, Aug. 15, 1999.
115. *Lost at Sea - Few knew JFK Jr., but he was a part of everyone's lives*, The Providence Journal, Jul. 18, 1999.

116. *Langevin, York top Democrats' list for Chafee seat*, The Providence Sunday Journal, Mar. 7, 1999.
117. *Almond 51% - York 42% Almond outruns polls, cruises to 2nd term as governor*, The Providence Journal, Nov. 4, 1998.
118. *Political Scene: A House divided suits Almond and Cianci*, The Providence Journal, Jun. 15, 1998.
119. *In a race made for him, Almond poised to launch bid for reelection*, The Providence Sunday Journal, Jun. 7, 1998.
120. *For U.S. attorney, the guess here is Teitz edges Lynch*, The Providence Journal, Apr. 14, 1998.
121. *Dropping in polls, Kennedy needs to rethink his message*, The Providence Journal, Oct. 5, 1997.
122. *One year to primary: York is running, Kelly is mulling*, The Providence Journal, Sep. 14, 1997.
123. *White House packs a big wallop for the politically connected*, The Providence Journal, Feb. 18, 1997.
124. *Political Scene: Jackvony's plan to practice law draws partisan fire*, The Providence Journal, Feb. 17, 1997.
125. *Political Scene: In Washington, Pell's office has become the hot property*, The Providence Journal, Dec. 2, 1996.
126. *Charges swapped about PAC funding*, The Providence Journal, Nov. 2, 1996.
127. *Chafee vs. Kennedy: A race you'd love to see*, The Providence Journal, Sep. 29, 1996.
128. *Clinton to visit Providence, Fall River*, The Providence Journal, Sep. 26, 1996.
129. *Dick Gephardt runs for House speaker, maybe president, too*, The Providence Journal, Sep. 17, 1996.
130. *Wild's 'real test' looms in match with favored*, The Providence Journal, Sep. 12, 1996.
131. *Democrats are confident after smooth convention*, The Providence Journal, Sep. 1, 1996.
132. *Political Scene: A 'friendship' adrift on political currents*, The Providence Journal, Jun. 24, 1996.
133. *Paolino, Weygand top 2nd District House race*, The Providence Journal, Jun. 9, 1996.
134. *Almond agrees: Holmes no help on shipyard*, The Providence Journal, May 9, 1996.
135. *2nd District update: A plus for Sullivan, but watch Paolino*, The Providence Journal, Apr. 9, 1996.
136. *Visit by Scalfaro stirs Italo thoughts*, The Providence Journal, Apr. 7, 1996.
137. *R.I. primary was too lackluster for*, The Providence Journal, Mar. 7, 1996.
138. *R.I. may play role in GOP*, The Providence Journal, Feb. 21, 1996.
139. *Blizzard Of 96: The Aftermath Coast may get disaster relief*, The Providence Journal, Jan. 14, 1996.

140. *Hillary Clinton coming with storm clouds swirling*, The Providence Journal, Jan. 14, 1996.
141. *Almond in storm: What you saw is the way the Gov is*, The Providence Journal, Jan. 11, 1996.
142. *Waiting for Joe: What's the story with Paolino?*, The Providence Journal, Jan. 9, 1996.
143. *Political Scene: Buchanan battling to get on primary ballot*, The Providence Journal, Jan. 8, 1996.
144. *Senate race update: Reed's campaign shows some range*, The Providence Journal, Dec. 14, 1995.
145. *Political Scene: Violet considers race, Chafee's Nobel cause*, The Providence Journal, Oct. 16, 1995.
146. *Kennedy's PAC makes him a big-time fund-raiser*, The Providence Journal, Oct. 5, 1996.
147. *Political Scene: Mall boosters sans DiPrete, Medicare politics*, The Providence Journal, Oct. 9, 1995.
148. *Democratic Party paid Dufault's firm \$47,000*, The Providence Journal, May 22, 1995.
149. *R.I. gets grant of \$3.9 million to eliminate lead paint*, The Providence Journal, Dec. 24, 1992.
150. *RI, paint cos. await decision on lawsuit costs*, Associated Press, Mar. 28, 2009.
151. *Lawyers in R.I. lead paint case argue court costs*, AFX Asia, Aug. 15, 2008.
152. *State Court Throws Out Jury Finding In Lead Case*, New York Times, Jul. 2, 2008.
153. *Should paint makers pay?*, Columbus Dispatch, May 11, 2008.
154. *Court upholds lead-paint dismissal*, Plain Dealer Jun. 22, 2007.
155. *Sherwin-Williams denied new lead-paint trial*, Plain Dealer, Feb. 2, 2007.
156. *Columbus rethinking lead-paint lawsuit*, Columbus Dispatch, Dec. 1, 2006.
157. *Akron exits lead paint suit, won't state why*, Plain Dealer, Nov. 16, 2006.
158. *Attorney General defends payment from DuPont in lead paint case*, Associated Press Aug. 9, 2006.
159. *Group Asks States To Sue For Cleanup Of Lead Paint*, Boston Globe, Jun. 29, 2006.
160. *The Nuisance That May Cost Billions*, New York Times, Apr. 2, 2006.
161. *Sherwin, insurers fighting over lead*, Plain Dealer. Mar. 23, 2006.
162. *DuPont to Donate \$12.5M to Settle Lead-Paint Suit*, The Wall Street Journal, Jul. 1, 2005.
163. *Law Firms in Tobacco Suit Seek \$1.2b More Move Against Bay State Rankles Legal Community*, Boston Globe, May 4, 2003.
164. *Lifting the lid on lead paint's fearful legacy*, Sunday Herald, Jul. 29, 2001.
165. *Woes aside, Gregoire still ahead GOP rival admits he's not a strong candidate*, Seattle Times, Oct. 20, 2000.
166. *City's Lead Paint Suit Is Almost Identical To One in Rhode Island: Team Handling That Case Was Rejected Here, Harmon Selected More Costly Firm*, St. Louis Post-Dispatch, Feb. 24, 2000.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

I have never held judicial office.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment? _____
 - i. Of these, approximately what percent were:
jury trials? ____%; bench trials ____%
civil proceedings? ____%; criminal proceedings? ____%
- b. Provide citations for all opinions you have written, including concurrences and dissents.
- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).
- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.
- e. Provide a list of all cases in which certiorari was requested or granted.
- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If any of the opinions listed were not officially reported, provide copies of the opinions.
- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.
- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.
14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:
 - a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
 - b. a brief description of the asserted conflict of interest or other ground for recusal;
 - c. the procedure you followed in determining whether or not to recuse yourself;
 - d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have never held judicial office.

15. **Public Office, Political Activities and Affiliations:**

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

In 1998, I was appointed by New York Attorney General Dennis Vacco to be a Special Assistant Attorney General for the State of New York for purposes of representing the State of New York in tobacco litigation.

In 2000, I was appointed by North Dakota Attorney General Heidi Heitkamp to be a Special Assistant Attorney General for the State of North Dakota for purposes of representing the State of North Dakota in tobacco litigation. My appointment was renewed in 2002 by Attorney General Wayne Stenehjem, and ended in 2009.

In 2003, I was appointed by Providence Mayor David N. Cicilline to be the Chair of the Providence Tourism Council, and I continue to serve.

I was appointed by the Rhode Island Democratic State Committee to be on the slate of electors for presidential candidate Barack Obama for the general election in 2008. As a result of election results on November 4, 2008, I served as a member of the Electoral College on January 15, 2009.

I have never run for elected office, except for the Electoral College, and I have not been unsuccessful in any nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

In 1984, I was the Rhode Island Coordinator for Americans for Mondale-Ferraro. From 1992 through 1996, I was a member of the Business Leadership Forum of the Democratic National Committee.

From 1995 through 2009, I served as Treasurer of the Rhode Island Democratic State Committee. I was the volunteer acting Executive Director from 1995 through 1998.

From 1995 through 2010, I was the Treasurer of Rhode Island PAC (federal) and Rhode Island PAC (state), and from 2004 until March 2010, I was the Treasurer of Providence PAC.

From 1999 through 2000, I was the Rhode Island Chair for Bill Bradley for President.

From 2001 through 2001, I was Chair of the Myrth for Governor Committee. From 2003 until 2009, I was Chair of the Cicilline for Mayor Committee. I was Finance Chair for the Myrth York for Governor Committee from 1997 through 1998, and a member of the finance committee for the York for Governor Committee in 1994.

From 2004 through 2006, I was a member of the national finance committee for Hillary Clinton for Senate.

Additionally, since I was an adolescent, I have been a volunteer in numerous state and federal political campaigns. In addition to the campaigns listed above, the other campaigns I recall are: I volunteered for Hillary Clinton for President and Obama for America in 2008 and for Senator Sheldon Whitehouse's election campaign in 2006.

I did not receive compensation for any of the positions listed above.

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I clerked for Associate Justice Donald F. Shea of the Rhode Island Supreme Court from September 1983 through August 1984.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1984-1986

Mandell, Goodman, Famiglietti & Schwartz
One Park Row
Providence, RI 02903
Associate Attorney

1986 – 2003

Motley Rice Inc. (and predecessor firms)
321 South Main Street, Suite 200
Providence, RI 02903
Associate Attorney (1986 – 1991)
Partner/Member (1991 – 2003)

This firm has also been known by the following names:

Ness Motley, P.A. (2002 – 2003)
Ness, Motley, Loadholt, Richardson & Poole, P.A. (1991 – 2002)
Motley, Loadholt, Richardson & Poole, P.A. (1988 – 1991)
Blatt & Fales, P.A. (1986 – 1988)

2003 – Present

Motley Rice LLC
321 South Main Street, Suite 200
Providence, RI 02903
Member (2003 – Present)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I was a court-appointed arbitrator in the Rhode Island Superior Court Court-Annexed arbitration program. In that capacity, I arbitrated many cases that were selected by a party or the Superior Court for arbitration. These were typically routine matters involving minor personal injury or breach of contract damages generally resolved through settlement during or shortly after a brief hearing over which I presided.

In addition, I have served on the Advisory Board of the Providence Mediation Center that established a system of mediations throughout the city in areas of neighbor disputes, school conflicts, and the like.

I also have worked closely with the Institute for the Study and Practice of Non-Violence in Providence on dispute resolution issues involving mostly inner city youth problems.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I spent my first year after law school in a judicial clerkship with Associate Justice Donald F. Shea of the Rhode Island Supreme Court.

Upon the completion of my clerkship until today, I primarily have been a litigator in state and federal courts throughout the country.

My first two years of law practice were with the Providence law firm of Mandell, Goodman, Famiglietti & Schwartz. I had an eclectic caseload that included representing people injured in a variety of ways, from automobile accidents to medical negligence. I also represented a local bank in small commercial matters, cable franchises seeking licensing, and doctors being disciplined by hospital boards.

In 1986, I opened the Providence, Rhode Island office for a law firm based in South Carolina, then called Blatt & Fales and later Motley Rice, Inc. In 1993 the majority of the lawyers and staff working at Motley Rice formed a new law firm Motley Rice LLC. In the late 1980s and 1990s my practice was focused on representing plaintiffs in asbestos litigation and other mass torts. In the 1990s, I litigated and ultimately helped in the settlement of claims against the tobacco industry on behalf of the states' Attorneys General. In the late 1990s, I became involved in lead poisoning litigation on behalf of lead-poisoned children and government entities.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

While at Mandell, Goodman, Famiglietti & Schwartz, I represented individuals and small businesses entities. At Motley Rice LLC, and its predecessor firms, I have represented a broad spectrum of individuals and class members in the fields of personal injury and consumer fraud law.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

Approximately 90% of my law practice over the last 25 years has been in litigation, often complex litigation. During my years in private practice, I have appeared in court very frequently, and have participated in trials in 13 states.

- i. Indicate the percentage of your practice in:

- 1. federal courts: 50%
- 2. state courts of record: 50%
- 3. other courts: 0%
- 4. administrative agencies: 0%

- ii. Indicate the percentage of your practice in:

- 1. civil proceedings: 95%
- 2. criminal proceedings: 5%

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I have tried approximately a dozen cases to verdict. I was chief counsel in half of them and co-counsel in the remaining six. I tried 90% of these cases to a jury.

- i. What percentage of these trials were:

- 1. jury: 90%
- 2. non-jury: 10%

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation**: Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Barbara Smith v. Celotex et al.*, Civil Action No.: 81-2768 (R.I. Super. Ct), reported at 489 A.2d 336 (R.I. 1985). This was a wrongful death action brought in 1984 by a young widow and her minor daughter arising from the early death of her husband from mesothelioma caused by his exposure as a child to asbestos while he was in grammar school. It is also the only asbestos case in Rhode Island to be tried, and it was my first trial experience. The trial court initially dismissed the action against one defendant based on lack of personal jurisdiction. The Rhode Island Supreme Court reversed with instructions allowing plaintiffs to conduct jurisdictional discovery. 489 A.2d 336 (R.I. 1985). The trial court declared a mistrial in the first month of trial and a re-trial started one month later. The trial resulted in a defendants' verdict and the plaintiff appealed. The trial was presided over by Rhode Island Superior Court Associate Justice John Boucier (deceased). The case settled on appeal and an annuity was established for the decedent's disabled minor daughter. I did much of the discovery work on this case, the independent investigation of the facts, witness preparation, legal research. I assisted at both trials. In addition, I handled the appeal and final settlement.

My co-counsel: Mark Mandel, One Park Row, Providence, RI 02903; 401-273-8330; and Ronald L. Motley, 26 Bridgeside Ave., Mt. Pleasant, SC 29465; 843-216-9111.

Defense counsel: Kenneth R. Neal, Capitol Place, 21 Oak Street, Hartford, CT 06106; 860-493-5749; Joyce A. Lagnese, Capitol Place, 21 Oak Street, Hartford, CT 06106; 860-493-5725; and Thomas C. Angelone, One Turks Head Place, Suite 810, Providence, RI 02903; 401-274-0200.

2. *Ulrike Wundrack v. Armstrong World Industries, Inc. et al.*, Civil Action No. 89-1912 (D. N.J.) reported at 1991 U.S. Dist. LEXIS 14526 (D. N.J. May 28, 1991) and 958 F. 2d 366 (3d Cir. 1992). This was a wrongful death action that was brought by a young widow and her two minor sons arising from the early

death of her husband from mesothelioma at the age of 47 caused by his exposure to asbestos while he served in the U.S. Navy. I represented the widow and her children. This was my first trial in the first chair position. It resulted in a verdict of \$5.8 million, allocating liability among four defendant corporations. The trial judge issued a post-trial opinion, 1991 U.S. Dist. LEXIS 14526, denying defendants' motions for judgment notwithstanding the verdict. The U.S. Court of Appeals for the Third Circuit affirmed the verdict. 958 F. 2d 366 (3rd Cir 1992). I handled all aspects of the case, from 1989 through 2002, from initial client intake through trial, appeal to the Third Circuit, and execution of the judgment. The trial was presided over by U.S. District Judge H. Lee Sarokin (retired).

My co-counsel: Jon L. Gelman, 1700 State Route 23 North, Suite 120, Wayne, NJ 07470-7537; 973-696-7900; Susan Nial, 1780 Chelwood Circle, Charleston, SC 29407-3702; 917- 974-4525

The lead opposing counsel: Nancy McDonald, 1300 Mt. Kemble Ave., PO Box 2075, Morristown, NJ 07962-2075; 973-425-8703.

3. *State of Rhode Island v. Lead Industries Association*, Civil Action No. 99-5526 (R.I. Super. Ct.) reported at 951 A.2d 428 (R.I. 2008). I represented the State of Rhode Island in litigation against the lead pigment industry. We litigated this precedent-setting public health matter for nine years (1998 through 2009). I was engaged in all aspects of the case from start to finish. After a seven-week trial, the jury was deadlocked and the trial judge declared a mistrial. In 2005 and 2006, I became the lead trial attorney for the State. The second trial, spanning four months, was the longest civil jury trial in Rhode Island's history and concluded in February 2006 when a jury found three of the four defendant manufacturers liable under a public nuisance theory. Rhode Island Superior Court Justice Michael A. Silverstein presided over the trials. I was involved with researching, drafting and arguing the appeal for several years after verdict. The Rhode Island Supreme Court overturned the jury's verdict in July 2008. 951 A.2d 428 (R.I. 2008).

My co-counsel: Neil F.X. Kelly, One Smith Hill, Providence, RI 02903; 401-272-1110; Neil T. Leifer, 100 Summer Street, 30th Floor, Boston, MA 02110; 800-431-4600; Robert J. McConnell, 321 South Main St., Providence, RI 02903; 401- 457-7703; Fidelma Fitzpatrick, 321 South Main St., Providence, RI 02903; 401- 457-7728.

The lead opposing counsel: John A. Tarantino, Adler Pollock & Sheehan, One Citizens Plaza, 8th Floor, Providence, RI, 02903-1345; 401-274-7200; Joseph A. Kelly, 1 Turks Head Pl # 400, Providence, RI, 02903; 401-331-7272; Gerald C. Demaria, 123 Dyer St., Providence, RI 02903; 401-272-3500; Joseph V. Cavanagh, Jr., 30 Exchange Terrace, Providence, Rhode Island, 02903-1765; 401-831-8900; Paul Michael Pohl, Jones Day 500 Grant Street, Suite 4500 Pittsburgh, PA 15219-2514 (412) 394-7917; Donald Scott, Bartlit, Beck, Herman, Palenchar

& Scott, LLP, 1899 Winkopp Street, Eighth Floor, Denver, CO 80202
303.592.3140; Michael T. Nilan, Hallelund, Lewis, Nilan & Johnson, Pillsbury
Center South 220 South Sixth Street, Suite 600 Minneapolis, MN 55402(612)
338-1838.

4. *Steven Thomas v. Mallett* 701 N.W.2d 523 (Wis. 2005). From 2005 until 2009, I represented the plaintiff in a lawsuit against the manufacturers of lead pigment for injuries that he suffered because of severe lead poisoning. The case proceeded against the defendants on the theory of risk contribution that the Wisconsin Supreme Court adopted specifically for this case. 285 Wis. 2d 236, 701 N.W. 2d 523 (2005). I was lead trial counsel for the plaintiff. The trial justice was Milwaukee County Circuit Court Judge Richard J. Sankovitz. The trial ended with a jury verdict for the defendants. The case is on appeal at present.

My co-counsel: Peter Earle, 839 North Jefferson, Suite 300, Milwaukee, WI 53202; 414-276-1076; Robert J. McConnell, 321 South Main St., Providence, RI 02903; 401-457-7703; Fidelma Fitzpatrick, 321 South Main St., Providence, RI 02903; 401- 457-7728; Steven Thomas' Guardian Ad Litem: Susan M. Gramling, 2266 North Prospect Avenue, Suite 505, Milwaukee, WI 53202-6306 (414) 224-8780

The lead opposing counsel: Peter K. Bleakley, 555 Twelfth Street, NW, Washington, DC 20004-1206; 202-942-5888; James T. Murray, Jr., Peterson, Johnson & Murray, S.C. 733 N. Van Buren Street, Sixth Floor, Milwaukee, WI 53202; 414-278-8800; Michael T. Nilan, 600 U.S. Bank Plaza South, 220 South Sixth Street, Minneapolis, Minnesota 55402-4501; 612-204-4129; Richard H. Dean, Jr., 1420 Peachtree Street, N.E., Suite 800, Atlanta, Georgia 30309-3053; 404-581-8502; Joy C. Fuhr, Christian Hennecke, R. Trent Taylor, Jonathan P. Harmon, McGuire Woods LLP, One James Center, 901 East Cary Street Richmond, VA 23219-4030 (804) 775-1000.

5. *Patrick Brennan v. Lincoln Almond*, Cause Action No. 95-4284 (R.I. Super. Ct.). I represented (pro bono) four plaintiffs (through their parents and guardians) who previously had been institutionalized because of their developmental disabilities. The state had moved them to a state-owned group home where by 1997 they had continually lived together as a family for more than 12 years. The State moved them out of their home, without affording them of their statutory procedural rights. We filed suit after a week-long preliminary hearing, we won a permanent injunction requiring the state to move them back home and afford them their procedural rights. They lived in the home for the next 12 years when the state tried to move them again in 2007. We filed for another preliminary injunction and again prevailed. The residents continue to live as a family in their home today. Rhode Island Superior Court Justice Patricia Hurst and Justice Netti Vogel presided over the injunction hearings.

My co-counsel: Robert J. McConnell, 321 South Main St., Providence, RI 02903; 401-457-7703

The lead opposing counsel: Richard B. Woolley, Assistant Attorney General of Rhode Island, 150 South Main Street, Providence, RI 02903; (401) 274-4400; Paul J. Pisano, The R.I. Department of Mental Health Retardation & Hospitals, 14 Harrington Rd., Cranston, RI 02920; 401-462-6014.

6. *Lin Li Qu v. Central Falls Detention Facility Corporation*, Case No. CA-09-CV-0053-S (D. R.I.). In 2008, I started representing a family of a Chinese immigrant that the Immigration and Customs Enforcement agency detained and sent to the Wyatt Detention Facility in Central Falls, Rhode Island. While in detention, he received inadequate medical care and was subjected to gruesome treatment. His spine was fractured and he died at the age of 34 from undiagnosed cancer while in custody. His family filed a federal civil rights claim in 2009. U.S. District Judge William E. Smith is presiding.

My co-counsel: Robert J. McConnell, 321 South Main St., Providence, RI 02903; (401) 457-7703; and Fidelma Fitzpatrick, 321 South Main St., Providence, RI 02903; (401) 457-7728

Lead defense counsel: Richard R. Beretta, Jr., One Citizens Plaza, 8th Floor, Providence, RI, 02903-1345; 401-274-7200; Helene Kazanjian, United States Attorney's Office, District of Maine, 100 Middle Street Plaza, East Tower, Sixth Floor, Portland, Maine 04101; 207-780-3257.

7. *Abate v. ACandS, Inc. et al.*, on appeal *ACandS, Inc v. Goodwin*, Consolidated File No.: 89236704 (Circuit Court of Baltimore County, 1992) reported as 667 A.2d 116 (Md. 1994). From 1991 through 1995, along with my two law partners, I was trial counsel for plaintiffs in the largest civil trial in American jurisprudence history in Baltimore, Maryland. It was a single trial conducted in 1992, with a record 8,600 plaintiffs, 14 defendants, 40 lawyers and more than 7 million documents. The workers were injured by asbestos, mostly in shipyards in the Baltimore area. The trial lasted almost eight months and resulted in a verdict against all the remaining defendants. The trial judge was Baltimore Circuit Court Judge Marshall A. Levin (deceased). In addition to extensive pre-trial work, I was one of the trial counsel for the Plaintiffs. I successfully argued its appeal to the State of Maryland's highest court. 667 A.2d 116 (Md. 1994).

My co-counsel: Peter G. Angelos, One Charles Center, 100 N. Charles St., Baltimore, MD 21201-3804; 800-556-5522; Armand J. (Dino) Volta, One Charles Center, 100 N. Charles St., Baltimore, MD 21201-3804; 800-556-5522; Clifford N. Cuniff, 207 East Redwood Street, Magill-Yerman Building, Suite 612, Baltimore, MD 21202; Peter T. Nicholl, Ashcraft & Gerel, Suite 805, 10 East Baltimore Street, Baltimore, MD 21202; John T. Enoch, Goodman, Meager & Enoch, 111 North Charles Street, Baltimore, MD 21202

The lead opposing counsel: Edward F. Houff, Suntrust Bank Building, 120 E. Baltimore Street, Suite 1300, Baltimore, MD 21202; 443-573-8510; B. Ford Davis, Whiteford, Taylor & Preston, Suite 1400, Seven St. Paul Street, Baltimore, MD 21202; 410-347-8700; Gerry H. Tostanoski, Tydings & Rosenberg, 100 East Pratt Street, Baltimore, MD 21202; 410-752-9733.

8. *The State of New York v. Philip Morris*, New York County Supreme Court Case No. 97- CIV-0794. I represented the State of New York, through its Attorney General, in its lawsuit against the tobacco industry. From 1997 through 2000, I investigated the case, filed the complaint and conducted discovery and motion practice in a very hotly contested case in New York City. New York Supreme Court Judge Stephen Crane presided over the matter, which ultimately settled as part of a 46-state settlement that I help draft and negotiate.

My co-counsel: Nicholas Papain, 120 Broadway, 18th Floor, New York, NY 10271; 212-732-9000; Brian J. Shoot, 120 Broadway, 18th Floor, New York, NY 10271; 212-732-9000; Dale M. Thuillez, 20 Corporate Woods Blvd. 6th floor, Albany, NY 12211; 518-455-9952; Steve W. Berman, Hagens, Berman, Sobol, Shapiro, LLP, 2425 East Camelback Road, Suite 650, Phoenix, AZ 85016 (206) 623-7292.

The lead opposing counsel: Meyer G. Koplow, Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, NY 10019; 212-403-1224; Jeffrey M. Wintner, Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street, New York, NY 10019; 212-403-1270; Peter C Hein, Wachtell, Lipton, Rosen & Katz, 51 West 52nd Street New York, NY 10019; 212-403-1237

9. *In Re: San Juan DuPont Plaza Hotel Fire Litigation*, Master File MDL-721 (D. P.R.). After a New Years Eve fire in a San Juan, Puerto Rico hotel in 1986 that killed 97 people and injured many more, I represented a number of injured people and families of some of the deceased. This case contained unusual breadth and extent of discovery on scores of potential defendants. I was a junior associate at the time, 1987 – 1996, and I was able to work on a mass disaster case with some of the best attorneys in the country on very complex and serious litigation. The case settled as to most defendants. The case was presided over by United States District Judge Raymond L. Acosta.

My co-counsel: Gerardo Pavia, PO Box 9066612, San Juan, PR 00906-6612; 787-289-0305. I do not recall the name of the defense counsel.

10. *Lucy Rinaldo v. AC&S*, Civil Action No.: 93-5592 (R.I. Super. Ct.). I represented the estate and widow of a former asbestos worker who died of mesothelioma, alleging claims against asbestos manufacturers. From 1993 through 1997, we litigated the case. After long and intensive negotiations, we

achieved a significant settlement for the family on the eve of trial. Rhode Island Superior Court, Justice Alice B. Gibney presided over the matter.

My co-counsel: Robert J. McConnell, 321 South Main St., Providence, RI 02903; (401) 457-7703.

Opposing counsel: Catherine A. Mohan, City Place 1, 185 Asylum St., Hartford, CT 06103; 860-275-6713.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation that did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

One of the most significant legal activities that I have been involved in was the Master Settlement between 46 states and the tobacco industry. The negotiations took nearly six months. I was one of two outside attorneys involved in the negotiations. I worked with the Solicitor General of North Dakota representing the States in drafting the settlement agreement. The result, after many months of negotiations, was a 147-page agreement, with 22 appendices that was valued at \$246 billion dollars and was applicable for all time.

Another significant legal activity has been my work on behalf of Rhode Island Arc ("RI Arc"). Beginning in the mid 1980's, I began providing pro bono legal services and advice to RI Arc, an organization that provides advocacy for people with developmental disabilities. RI Arc was a plaintiff in a federal court class action challenging the constitutionality of the services provided to people at a state institution. I assisted the organization in the closing of a state institution, the transfer of people into group homes, and the subsequent issues concerning oversight and implementation.

I have never conducted any lobbying activities.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

In addition to continuing legal education courses, and serving as guest lecturer at law school classes, I was an adjunct professor at the University of Rhode Island, Department of Political Science in Spring Term 2000. I taught a course pertaining to the American legal system.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

Pursuant to contractual arrangements with MRRM, P.A., which owns various assets and liabilities including attorneys' fees arising from settled litigation, I anticipate receiving deferred compensation for work performed and completed of approximately \$2.5 million to \$3.1 million each year through 2024.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

No.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I do not foresee any recurrent basis for disqualification, except possibly in connection with matters in which my firm or my brother is counsel for a party. If confirmed, I will carefully review and address any real of potential conflicts in accordance with the Code of Conduct for United States Judges and all laws, rules, and practices governed by such circumstances.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will carefully review and address any real or potential conflicts in accordance with the Code of Conduct for United States Judges and all laws, rules, and practices governed by such circumstances. I also will seek the advice of colleagues and of the Judicial Conference as needed.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

Beginning in the mid-1980s through the present, I have represented RI Arc (formerly known as the RI Association of Retarded Citizens) pro bono. I have been its trial counsel in the federal court class action against the State of Rhode Island, first to close an institution and then to monitor the services provided to the former residents now in the community. I have been called upon to negotiate on behalf of former residents who challenged their services and their rights, litigate their disputes, and work with RI Arc's corporate structure. I received the R.I. Bar Association's "Dorothy Lohmann Public Service Award" for this work 1998.

In 1991 and 1992, I received recognition from the RI Bar Association for "serving the highest traditions of the legal profession by contributing legal services to the economic disadvantaged of Rhode Island" through its Volunteer Lawyer program.

Beginning in 1996, I represented four citizens with developmental disabilities in their fight to keep their group home in Lincoln, Rhode Island open. We filed for a preliminary injunction and after a lengthy multi-week evidentiary hearing we prevailed. Then again, in 2007 the state attempted to move these residents out of their home. We again litigated the issue and won another injunction stopping their transfer and keeping them in their home.

I have served as an attorney at the RI Homeless Legal Clinic. I have staffed a Coalition for the Homeless legal table at the organization's fairs, handling a wide variety of legal issues presented by people currently homeless.

In addition to these large cases that have spanned multiple years, I routinely represent people in smaller pro bono matters including homeowners worried about foreclosures, consumer disputes with big retailers, immigration civil rights matters and legal work that arises from my involvement on the boards of RI non-profits, including Crossroads RI and Trinity.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

On November 17, 2008, I sent a letter to Senators Jack Reed and Sheldon Whitehouse asking to be considered for a recommendation for a vacancy on the U.S. District Court for the District of Rhode Island. On February 2, 2009, I interviewed with Senator Jack Reed and a member of his staff. On February 27, 2009, I interviewed with Senator Sheldon Whitehouse and a member of his staff. On March 3, 2009, I submitted my Questionnaire for Judicial Nominees to Senator Reed. On April 10, 2009, Senator Reed called to inform me that he intended to recommend me to the White House for the nomination. I then received a call from Senator Whitehouse.

Since April 2009, I have been in contact with pre-nomination officials at the Department of Justice, and Senators Reed and Whitehouse. I spoke via telephone with the White House Counsel on two occasions. On September 21, 2009, I was interviewed by representatives of the Justice Department and the White House Counsel's Office. On November 3, 2009, I met with the White House Counsel and two representatives from that office. The President submitted my nomination to the Senate on March 10, 2010.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, John J. McConnell Jr., do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

3/10/2010
(DATE)

John J. McConnell Jr.
(NAME)

R Jm. dmt
(NOTARY)

Robert J. McConnell
Notary Public
My Commission Expires: 6/15/11

John J. McConnell, Jr.
321 South Main Street Suite 200
Providence, Rhode Island 02903

September 13, 2010

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on March 10, 2010, to be United States District Judge for the District of Rhode Island. Incorporating the additional information below, I certify that the information contained in that document is, to the best of my knowledge, true and accurate.

- My service as a Director of the Children's Environment Health Center ended in 2010 (Question 6).
- My service as a director of the Rhode Island Association for Justice ended in 2010 (Questions 6, 9, and 11)
- My service on the Providence Tourism Council ended in 2010 (Questions 6 & 11)

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



John J. McConnell, Jr.

cc:
The Honorable Jeff Sessions
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

John J. McConnell, Jr.



January 5, 2011

The Honorable Patrick J. Leahy
Chairman
Committee on the Judiciary
United States Senate
Washington, DC 20510

Dear Mr. Chairman:

I have reviewed the Senate Questionnaire I previously filed in connection with my nomination on March 10, 2010, and the update contained in a letter to you dated September 13, 2010 to be United States District Judge for the District of Rhode Island. I certify that the information contained in those documents is, to the best of my knowledge, true and accurate.

I also am forwarding an updated Net Worth Statement and Financial Disclosure Report as requested in the Questionnaire. I thank the Committee for its consideration of my nomination.

Sincerely,



John J. McConnell, Jr.

cc:

The Honorable Charles E. Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510